

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, September 25, 2007

6:00 P.M. AMENDED 21Sep07

1. CALL TO ORDER, MAYOR OLIVER PARKER

Vice Mayor Yanni opened the meeting at 6:06 p.m. Vice Mayor Yanni, Commissioner McIntee, Commissioner Silverstone, Mayor Pro Tem Clark were present. Also present were Town Manager Esther Colon, Town Attorney James Cherof and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION, TOWN CHAPLAIN 7:00 P.M.

4. OLD BUSINESS (Tabled from the September 14, 2007 Meeting) **6:00-7:00 P.M.**

- a.** Discussion and/or action regarding change to El Mar Drive from present configuration to one lane (Commissioner Silverstone) (Tabled from the September 14, 2007 Meeting)

Commissioner Silverstone said he received a lot of phone calls from people that were not against condensing El Mar Drive into one lane.

Commissioner Silverstone made a motion to keep El Mar Drive as two lanes. Commissioner McIntee seconded the motion.

Town Planner Walter Keller said that approximately three years ago the Master Plan Steering Committee came before the Commission and recommended their concept in which the Commission adopted a Cross Section. Planner Keller suggested that although the Commission could make changes the Commission should review the options of the current projects.

Mayor Parker arrived 6:09 p.m.

Walter continued that the concept was to take existing twenty foot pavement on each side of the median and reduce it down to sixteen feet to provide for a twelve foot drive lane plus a four foot bike lane. He added that the extra pavement would be put in to a four foot landscape strip and an eight foot sidewalk would be constructed.

Mayor Pro Tem Clark asked whether the Master Plan Steering Committee considered safety. Planner Keller said it was.

Commissioner Silverstone pointed out that the roads in that area would be zig-zagged and thought it was not something that should be done right now as it did not make for uniformity.

Commissioner McIntee believed a one lane roadway was a dangerous idea. He said that a fire truck would not be able to make the turn despite the developers assurance that it would.

Mayor Parker thought the two lane drive was not suggested by the developers but was suggested by the Master Plan Steering Committee. Planner Keller said that the Master Plan Steering Committee was formed to assist in the Peters J. Smith Master Plan Effort and El Mar Drive was one of the questions that were not answered in the Master Plan Effort and therefore, the Town Commission asked the Master Plan Steering Committee to look at that particular roadway. Planner Keller said the Master Plan Steering Committee presented their recommendation to the Town Commission which was approved. He said the issue was with the existing pavement at twenty feet and most people drive down the street as if it were a one way street. Mayor Parker felt the Master Plan Steering Committee recommended it for two reasons; beautification and safety. Mayor Parker made suggestions to make El Mar Drive more pedestrian friendly with improvements. He recommended going along with the Master Plan Steering Committee. Planner Keller suggested a workshop to review the issues. Vice Mayor Yanni requested placing a moratorium on El Mar Drive until decisions are made. Keller said it could if the basis was set to study the design. He reminded the Commission that there were three or four projects that would be impacted by whatever the Commission decided.

Mayor Parker thought the present motion should be voted down. He believed that once the Commission approved a project they should go ahead not re-evaluate it at a later time.

Vice Mayor Yanni thought the plans presented by the Master Plan Steering Committee were a beautiful and safe plan. He asked whether the developers were supposed to bury the lines. Planner Keller said that current projects had a provision in their contract to bury the lines. Vice Mayor Yanni asked for the best way to consider the project.

Commissioner Silverstone withdrew his original motion.
Commissioner McIntee accepted the withdrawal.

Commissioner Silverstone amended his motion to have a workshop on November 14, 2007, to discuss El Mar Drive due to the changes that have occurred or will occur. Commissioner McIntee seconded the motion.

Vice Mayor Yanni questioned whether the original plans were available. Planner Keller said there were drawings available.

Mayor Parker asked Planner Keller if the present El Mar Drive was re-striped to make a twelve foot lane and a four foot bike lane, whether the remainder could be striped as non-vehicle use and not as pedestrian use. Planner Keller said it could. Mayor Parker indicated that would enable El Mar Drive to be a uniform two lanes. Planner Keller said it would become a uniform one lane with a bike lane, except in the Commercial area.

In a roll call vote, the motion carried 5-0

b. Discussion and/or action regarding renewing performing arts center contract (Vice Mayor Yanni) (Tabled from the September 14, 2007 Meeting)

Vice mayor motioned to extend the contract for eight years. Mayor Parker seconded the motion.

Commissioner McIntee asked the current status of the contract and whether it was common for the Commission to extend a contract at this time.

Attorney Cherof said the Commission was not limited to extend the contract at this time and the only advantage would be to lock in a specific use for an extended period of time.

Vincent Ragusa said the reason he wanted to extend the contract was because if he retired he would have a predecessor without a contract. He pointed out that the contract could be canceled by either party. Mr. Ragusa said he should be booking events now for 2008 and 2009 and with the present contract he was unable to do that. He said he was in violation of his current contract because he was limited to the number of performances he could book. Mr. Ragusa said he needed a minimum of two months to book a play.

Mayor Parker clarified that the contract would extend the contract for eight years from now bringing the contract to expire six years from now. Attorney Cherof confirmed.

Commissioner Silverstone said the contract had a five year renewable clause. Mr. Ragusa said he was unaware of that clause.

Commissioner McIntee asked Mr. Ragusa why he was pushing to extend the contract now. Mr. Ragusa said he wanted to negotiate another contract. Commissioner McIntee said he could negotiate at the time the contract was ready to expire.

Mayor Parker said that even though the contract could be terminated with one years notice, as long as he had a contract in hand he could plan events. He explained that Mr. Raguso wanted to train someone to take his place should he retire. Mayor Parker said it did not hurt the Town in any way to allow the extension.

Commissioner Silverstone suggested adding language in the contract to assure Mr. Ragusa that every attempt to renew would be made.

Attorney Cherof pointed out the contract did not have a one year termination notice provision. It provides that the contract terminates at the end of the fiscal year in which notice was given provided the notice was given by September 1st of the year.

Mayor Parker made a motion to amend the motion to also include in the contract a one year cancellation period. Vice Mayor Yanni seconded the motion.

Attorney Cherof suggested language be written to require one years notice from the date of the notice rather than at the end of the fiscal year.

Town Commission Regular Meeting Minutes
September 25, 2007

Commissioner McIntee made a motion to table to November 13, 2007. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-1 with Vice Mayor Yanni dissenting.

- c. Discussion and/or action regarding giving the Performing Arts Center priority with dates at Jarvis Hall (Mayor Parker) (Tabled from the September 14, 2007 Meeting)

Mayor Parker tabled this item to November 13, 2007. There were no objections.

- d. Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Walter Keller, Town Planner) (Tabled from the September 14, 2007 Meeting)

Planner Keller advised the Commission that the applicant had received previous extensions and although a policy had been set by the Commission to limit extensions, this was approved prior to that. Planner Keller recommended approving a six month extension.

Commissioner McIntee reminded the Commission that when the applicant was absent from the meeting then the request would be denied. Mayor Parker suggested Commissioner McIntee make a motion to deny.

Commissioner McIntee made a motion to deny the request for extension. Commissioner Silverstone seconded the motion.

Vice Mayor Yanni asked if the applicant was notified. Planner Keller said he did not know.

Mayor Parker made a motion to table to October 9, 2007 with instructions to notify the applicant. Vice Mayor Yanni seconded the motion. In a roll call vote the motion carried 5-0.

Mayor Parker wanted to recess the meeting and continue the remaining items at 7:00 p.m. Commissioner McIntee made a motion to overrule the chair and proceed with the remaining items under New Business, items 4e and 4f. Commissioner Silverstone seconded the motion.

Mayor Parker continued the meeting.

- e. Discussion and/or action regarding Town hiring a fire inspector (Commissioner Silverstone) (Tabled from July 10, 2007 meeting with direction for BSO Fire to attend meeting) (Tabled from the September 14, 2007 Meeting)

Commissioner Silverstone said that under the Florida Statute the Commission was not allowed to make a decision on this matter, and therefore withdrew this item from the agenda.

- f. Discussion regarding unauthorized advertisements on Channel 78 "infomercials" at recent group meeting (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)

Town Commission Regular Meeting Minutes
September 25, 2007

Commissioner McIntee said that any organization that used Town Hall to broadcast their meetings should be given specific guidelines by the Town Manager.

Manager Colon said Attorney Cherof was currently working on a policy and was on the agenda.

Mayor Parker did not feel that the hurricane broadcast was wrong. Manager Colon said the discussion was regarding the current Ordinance on broadcasting.

With the completion of Old Business Items 4a through 4f Commissioner Silverstone made a motion to recess the meeting. Mayor Parker recessed at 7:00 p.m. and reconvened at 7:10 p.m. with the Pledge of Allegiance followed by the invocation by Father Hanrahan and then Presentations.

Mayor Parker announced that New Business items 5a through 5g were moved to New Business as items 16a through 16 g and the current items 16a and 16b would follow.

5. NEW BUSINESS (Tabled from the September 14, 2007 Meeting) **6:00 P.M. -7:00 P.M.**

- a. Discussion and/or action pertaining to Ordinance 2007-04 (Waiving Weekday Parking Meter Fees) (Commissioner Clark) (Tabled from the September 14, 2007 Meeting)
- b. Discussion and/or action to change zoning on the south of Commercial Boulevard from RM-25 to B-1 on the West Side of A1A. (Vice Mayor Yanni) (Tabled from the September 14, 2007 Meeting)
- c. Discussion and/or action pertaining to July 24, 2007 Consent Item 11-E: Construction of Permanent Monument Signage (Commissioner Silverstone) (Tabled from the September 14, 2007 Meeting)
- d. Discussion and/or action for reconsideration of Variance pertaining to 4243 Bougainvilla Drive (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)
- e. Discussion and/or action pertaining to reduction of one sergeant position with BSO – Police Contract (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)
- f. Discussion and/or action pertaining to Violation of Town's Code of Ordinance – Order Imposing Fine / Certificate of Lien / Abatement Order (Town Manager Esther Colon) (Tabled from the September 14, 2007 Meeting)
- g. Request to change Regular Commission Meeting date of December 25, 2007 (Town Clerk June White) (Tabled from the September 14, 2007 Meeting)

6. PRESENTATIONS 7:00 P.M.

a. Marine Biologist

This item was skipped due to the unavailability of the Marine Biologist and later decided to table to the October 9, 2007 meeting.

b. South Florida Water Management

Carol Morris, South Florida Water District said that a modified water restriction phase was in effect which restricted the use of outdoor water for irrigation only. She said washing the car and hand watering was allowed, but out door irrigation was restricted to two day per week, between the hours of 4:00 a.m. and 8:00 a.m. Ms. Morris clarified that odd numbered address were allowed to water on Wednesday and Saturday and an even numbered address on Thursday and Sunday.

Ms. Morris encouraged all towns and cities to enact conservation based rate ordinance to encourage conservation by usage. She said there was a drought based ordinance used by some cities that add an additional fee to their utility bill. She added that the South Florida Water Management District did not require it.

Ms. Morris advised the regional watering rule that no more water was to come out of the Everglades for growth or for development.

7. REPORTS

a. End of Month Budget Report for August 2007 (Martin Sherwood – Director of Finance and Budget)

Commissioner McIntee made a motion to accept the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

b. Broward Sheriff's Office Monthly Report for August 2007 (Lt. Caren Pollaccia)

Commissioner McIntee made a motion to accept the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

c. Broward Sheriff's Office Fire Rescue Monthly Report for August 2007 (Chief Sievers)

Commissioner McIntee asked Chief Sievers what the response of his department would be to if an alarm of fire was transmitted at 4900 Sea Ranch Lakes high rise. Chief Sievers referred to page 4 of the submitted report which stated that E36, R12, BC37, C236, and apparatus TL32 responded. Commissioner McIntee clarified that he wanted to know what equipment fully responded to an alarm call at 4900 Sea Ranch Lakes. Chief Sievers said a full response would be three engines, rescue, battalion chief, everything available would respond. He said he would prefer to put it in writing and agreed to present it at the October 9th meeting.

Commissioner McIntee made a motion to accept the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- d. Development Services Department Monthly Activity Report for August 2007 (Tatiana Solovieva – Acting Development Services Director)

Vice Mayor Yanni made a motion to accept the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- e. Municipal Services Monthly Report for August 2007 (John Olinzock—Assistant to the Town Manager)

Mayor Pro Tem Clark made a motion to accept the report. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- f. Announcement by Oliver Parker that he is not a candidate for re-election as Mayor or for election to the Commission.

Mayor Parker announced he would not be running for re-election this year nor would he be running for Commission. He said he had been on for 14 years and thanked everyone.

- g. Reappointment of Hillsboro Inlet Commission and discussion and/or action thereon (Mayor Oliver Parker)

Mayor Parker said the Hillsboro Inlet Commission was a government agency. He said the inlet was located between Hillsboro Beach and Pompano Beach, just past the 14th street causeway. Mayor Parker said the Hillsboro Inlet Commission dredged the canal to keep the waterway open. Mayor Parker requested to be appointed and asked the Commission to reappoint him for another five year term.

Mayor Pro Tem Clark made a motion to reappoint Mayor Parker as a representative to the Hillsboro Inlet Commission. Vice Mayor Parker seconded the motion.

Commissioner Silverstone and Commissioner McIntee thought it should be someone new. Commissioner McIntee made a motion to table. Commissioner Silverstone seconded the motion. The motion failed 3-2 with Vice Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker dissenting.

Commissioner McIntee amended the motion to appoint Tom Carr to the Hillsboro Inlet Commission. Commissioner Silverstone seconded the motion. Tom Carr accepted the appointment.

In a roll call vote to select one of the two candidates, there were three votes for Mayor Parker and two votes for Tom Carr. Mayor Parker was appointed to the Hillsboro Inlet Commission.

8. APPROVAL OF MINUTES

- a. September 5, 2007 Special Commission Meeting

Commissioner Silverstone made a motion to approve the minutes of September 5, 2007. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

9. PUBLIC COMMENTS

Thomas Carr was glad to be back in town and was entertained by the September 14, 2007 Commission meeting.

Christie Furth talked about the height approval and said that the Master Plan Steering Committee approved a five story height limit along Commercial Boulevard and A1A in the Peter Smith Master Plan. She urged the Commission to keep the March elections as it opened a fair and open playing field for everyone.

Barbara Cole invited everyone to a cookout on the beach at the surf and yacht club. She said the fire department agreed to do the cooking with free food and drink. Ms. Cole talked about the grandfathering of residents on Seagrape Drive. She saw no reason why the landscaping could not be changed.

Frank Herrmann wanted to give BSO notice and cut town expenses in half. He said the people would be in charge.

L. Peanuts Wick gave an update on the status Marie White
Mr. Wicks was concerned about awarding a bid for Jarvis Hall Patio Enclosure of \$251,788 plus \$40,000 for fire sprinkler as a consent agenda item. He believed that particular item should be discussed. A

Birute Clotney was against changing the election date. She preferred March elections.

Stuart Dodd was initially for allowing the north end of town pay for Broward Sheriff's Office fire services if that was what they wanted, but realized uniformity was better for the Town. He said this is the one time the good of people should be put aside and do what is best for the Town. Mt. Dodd was pleased with the lower millage and asked the Commission to let it stay at \$130.

Lisa Mitchell preferred to keep the election in March.

Commissioner McIntee motioned to move item 16a of New Business, to allow North Beach condos to pay for their own Fire Department, for discussion at this point as he felt it was a very important issue. Mayor Parker allowed with a time limit on discussion to stop at 8:15. There were no objections.

New Business Item 16a: Discussion regarding referendum to allow North Beach condos to pay for their own Fire Department and return LBTS VFD to the old town for fire protection (Commissioner McIntee)

Commissioner McIntee said the people in the condo wanted paid professional firefighters and other residents preferred the volunteer fire department. He said the problem could be solved with a high rise working fire, or a 1077 as referred to in New York City.

Commissioner McIntee indicated that if there was a high rise call of a fire an Automatic Aid process could be established with Pompano Beach and Ft. Lauderdale. He added that negotiations would have to take place but the automatic aid was guaranteed.

Mayor Parker also thought a referendum was needed but not to allow the condos in North Beach to have their own fire department.

Mayor Parker made a motion to instruct the Town Attorney to draft an Ordinance for first reading on October 9, 2007 and to place on the ballot a Charter Amendment requiring the Town to have a fully time paid fire department. The motion died for lack of a second.

Commissioner Silverstone believed that what Commissioner McIntee proposed was recommended in 2004 by a third party. He believed Mayor Parker's suggestion was in direct conflict with that opinion.

Mayor Parker pointed out that he was suggesting the Town have a paid professional fire department whether it was their own fire department or that of another.

Vice Mayor Yanni could not gamble with peoples lives. He believed in a qualified fire department.

Mayor Parker ended the discussion at 8:15 and continued to Ordinances 2nd Reading as agreed.

10. ORDINANCES (2nd Reading) "Public Hearings"

- a. Ordinance No. 2007-10 - Off-Site Parking:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-155 "PARKING OTHER THAN ON-SITE LOCATION" TO SET FORTH CONDITIONS FOR WHEN OFF-SITE PARKING IS ALLOWED; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-10 by title and pointed out the changed language on page 2 between lines 3 and 10.

Mayor Parker opened the public hearing. With no one wishing to speak he closed the public hearing.

Vice Mayor Yanni made a motion to adopt Ordinance 2007-10. Mayor Pro Tem Clark seconded the motion.

Commissioner Silverstone was concerned that negative impacts may arise and asked for assurance. Planner Keller and Manager Colon said there were no concerns. Attorney Cherof said Ordinance 2007-10 conformed to the policy that the Commission directed, to allow additional parking spaces as long as they conform to the zoning.

In a roll call vote, the motion carried 5-0

- b. Ordinance No. 2007-11- Drive Through Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-111, "B-1 DISTRICT-BUSINESS" AND SECTION 24-4.4(a)(2)(h) "SITE PLAN REQUIREMENTS" TO SET FORTH CONDITIONS FOR DRIVE THROUGH SERVICE AS AN ACCESSORY USE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-11 by title. He indicated the Ordinance incorporated the changes on first reading to eliminate the references to the by-pass lane.

Mayor Parker opened the public hearing. With no one wishing to speak Mayor Parker closed the public hearing.

Commissioner McIntee made a motion to adopt Ordinance 2007-11. Vice Mayor Yanni seconded the motion.

Commissioner Silverstone thought a description of different types of business uses was to be addressed.

Attorney Cherof said it would be easier to amend to include uses specifically, as opposed to try to anticipate what was coming to avoid inadvertently allowing something that would be inappropriate.

Mayor Parker thought the ordinance did not provide adequate protection in the residential neighborhood.

Commissioner McIntee indicated that three stores closed on Commercial and believed that Starbucks was the anchor for the future.

Commissioner Silverstone asked Chris Weaver, Starbucks representative, to come forward and asked whether this would effect the residential area. Mr. Weaver assured Commissioner Silverstone that there would not be any problems. He did not understand how the theory that a store on the corner of East Tradewinds Avenue and Commercial Boulevard would create back up traffic into a residential neighborhood. He assured the Commission there would be no backup of cars into the driveways of the residents as the drive thru lane would accommodate at least five cars and the typical drive through is three minutes or less. Mr. Weaver said he was planning on making it pedestrian safe and the type of store where people can feel comfortable walking to and from the store.

Mayor Parker complained about the possible increase in traffic in the residential neighborhood. If a drive through lane is allowed for one coffee shop people will cut down East Tradewinds Avenue and increase traffic on Harbor Drive because the drive through was coming from Harbor Drive to Commercial Boulevard.

Mr. Weaver said the drive through was contained on the site and the main entrance was on Commercial Boulevard. He added there may be an entrance on East Tradewinds Avenue.

Attorney Cherof pointed out this ordinance was not a business specific or a site specific ordinance. He said it covered a number of locations and potentially a number of businesses throughout town. Attorney Cherof cautioned the Commission not to think of Ordinance 2007-11 as a business specific Ordinance.

Commissioner Silverstone said if the residential area was affected Ordinance 2007-11 would be brought back and necessary changes would be made.

In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

- c. Ordinance No. 2007-13 - Moving Election from March to January 2008:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA PROVIDING FOR THE MODIFICATION OF THE TOWN'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008 AND IN EACH SUBSEQUENT YEAR THAT IS A MULTIPLE OF FOUR (4) PURSUANT TO SECTION 101.75, FLORIDA STATUTES; SPECIFICALLY PROVIDING FOR THE 2008 GENERAL MUNICIPAL ELECTION IN THE TOWN TO OCCUR ON JANUARY 29, 2008; PROVIDING FOR THE QUALIFYING PERIOD FOR THE GENERAL MUNICIPAL ELECTIONS, AND SPECIFICALLY FOR THE QUALIFYING PERIOD FOR THE 2008 MUNICIPAL GENERAL ELECTION TO OCCUR BETWEEN NOON ON FRIDAY, NOVEMBER 2, 2007 THROUGH NOON ON FRIDAY, NOVEMBER 16, 2007; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICERS TAKE OFFICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-13 by title.

Mayor Parker believed that at the last meeting the Town Attorney wanted to make two amendments; 1) to make the Town Commission meeting on February 12, 2007 and 2) that the elected official should be sworn in and take office on second meeting in February

Commissioner McIntee pointed out that the Ordinance said the swearing in would take place the first Friday after the election and he wanted to stay with the first Friday after the election.

Attorney Cherof pointed out that it was unusual for the Supervisor the Elections Office to be able to certify and deliver the results of the election to any municipality in Broward County in that time period.

Commissioner McIntee wanted to know how the date was set to the first Friday after election. Attorney Cherof replied that the Statute that allowed the modification of the date of election to January, also allowed the Commission to fix the dates for qualification and swearing in. He said he just worked with the calendar.

Commissioner McIntee asked whether a sitting Commissioner could call a special meeting for installation of an elected official. Attorney Cherof said the Charter provision allowed two Commissioners to call a special meeting or the Mayor. Commissioner McIntee asked for clarification that he and another Commissioner could bypass the first meeting in February and call a special meeting the day after certification is received by the Supervisor of Elections. Attorney Cherof said if the Ordinance fixes the date to be sworn in the Commission could not override that by accelerating a special meeting. He advised that instead of the language "to set a date certain", it should read "as soon after the certification of election result is noticed and made possible as called by special meeting by Commission or Mayor".

Mayor Parker opened the public hearing.

Peanuts Wick understood everyone liked the March election but since it had already been moved to January 29, 2008 he believed there would be a huge turnout.

Barbara Cole preferred March election.

Lisa Mitchell believed people came out in March to vote because they wanted to and the Commission should not fix what is not broken.

Stuart Dodd preferred March but thought that whichever the Commission chose would be fine.

Maureen McIntee was concerned with the section on the date in which the elected official would take office. She believed the elected officials should take office immediately upon certification.

With no one else wishing to speak, Mayor Parker closed public hearing.

Attorney Cherof suggested that in Section 4 language could be changed to indicate that the swearing in and assuming office would take place at the commencement of the first regular meeting following the certification of election results or alternatively, at the commencement of a special meeting to be held on the second day following the certification of election results excluding Saturday or Sunday.

Mayor Pro Tem Clark made a motion to do adopt Ordinance 2007-13. Commissioner McIntee seconded the motion.

Mayor Pro Tem Clark made a motion to amend Ordinance 2007-13 as suggested by the Town Attorney with regard to having a special meeting to be held on the second day following the certification of the votes. Commissioner McIntee seconded the motion.

In a roll call vote, the motion carried 5-0.

In a roll call vote, the motion to amend carried 5-0.

Mayor Parker requested clarification from Attorney Cherof regarding an amendment made to the part about February, 2008.

Attorney referred to line 15 and said the language will say “shall be sworn in and assume the duties of office at the commencement of a special meeting to be held on the second day following the certification of election results by the Supervisor of Elections excluding Saturday and Sunday”.

Mayor Parker reminded everyone that qualifying will take place at noon November 2, 2007 and end at noon November 16, 2007.

- d. Ordinance 2007-14 – Unified Land Development Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES TO PROVIDE A COMPREHENSIVE REVISION TO THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE RENUMBERING AND RECODIFICATION OF THE LAND DEVELOPMENT REGULATIONS AS CHAPTER 30 OF THE CODE OF ORDINANCES; AMENDING OR ADDING PROVISIONS REGARDING FINAL SITE PLANS, SITE PLAN REQUIREMENTS FOR PERVIOUS AREA AND GREENSPACE, ARCHITECTURAL STANDARDS FOR THE RD-10, RM-25, AND RM-50 ZONING DISTRICTS, PROCEDURES AND REQUIREMENTS FOR REZONING INCLUDING APPLICATION PROCESS AND REQUIREMENTS, VESTED RIGHTS DETERMINATIONS, QUASI-JUDICIAL PROCEEDINGS, GENERAL PROVISIONS INCLUDING LEGISLATIVE INTENT, PURPOSE, RULES OF INTERPRETATION, EFFECTIVE STAFF DECISIONS, ENFORCEMENT, VIOLATIONS AND PENALTIES AND COMPUTATION OF TIME, DEFINITIONS, NON-CONFORMING USES AND STRUCTURES, INCLUDING PROVISIONS FOR EXTENSIONS, ALTERATION, ENLARGEMENT AND RECONSTRUCTION, ZONING MAP, INTERPRETATION OF DISTRICT BOUNDARIES, PURPOSE AND INTENT OF ZONING DISTRICTS, CORNER LOT LANDSCAPING IN THE RS-5 ZONING DISTRICT, PLANNED UNIT DEVELOPMENT REGULATIONS, OFF-STREET PARKING REQUIREMENTS IN THE RM-25 ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1-A ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1 ZONING DISTRICT, BOATS, BOAT LIFTS AND BOAT HOUSES, BOAT DAVITS, HEIGHT OF FENCES, WALLS AND HEDGES, SWIMMING POOL AND DECK SETBACK REQUIREMENTS, ACCESSORY BUILDINGS AND STRUCTURES, OFF-STREET PARKING AND LOADING REQUIREMENTS, TELECOMMUNICATION TOWERS AND ANTENNAS, WINDOW AWNINGS AND ENTRANCE CANOPIES, SIGNS, AND LANDSCAPING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-14 by title.

Mayor Parker opened the public hearing.

Beverly Kennedy said she had the editorial ability to speak on Ordinance 2007-14 on her radio show and will broadcast it on her radio station from 5:00 p.m. to 6:00 p.m. She said keeping landscaping at no higher than 48 inches was redundant. Ms. Kennedy reminded the Commission that they did not address boats or trailers that sat in front of houses. Ms. Kennedy suggested specific roofing materials be included in Ordinance 2007-14. She also suggested Ordinance 2007-14 be tabled for further input.

Barbara Cole wanted to table Ordinance 2007-14 for research on vested rights. She believed there was a loop hole that would allow staff to decide whether people should get what they want. She believed this Ordinance was a mistake.

Diane Boutin thought staff worked very hard to meet the demands of the Commission to become a unified town. She believed the structure could use a tweak or two down the road but was a good one for now.

Peanuts Wick believed that although Ordinance 2007-14 was not perfect and could be addressed later.

Stuart Dodd urged the Commission to reconsider the docks and floating docks and come up with a unified code.

With no one else wishing to speak, Mayor Parker closed the public hearing.

Mayor Parker referred to page 36, item K, of Ordinance 2007-14 regarding shrubbery. He talked about the height requirements and said he saw no reason why the height had to be limited to 48 inches.

Mayor Parker made a motion to amend item K to read "shrubbery, when installed to screen a vehicular use area, shall be permitted to grow and shall be maintained at a maximum height of 48 inches. All other shrubbery may be permitted to grow and shall be maintained at a maximum height of 72 inches." Commissioner McIntee seconded the motion.

In a roll call vote, the motion carried 5-0

In a roll call vote, the motion to amend carried 5-0.

- e. Ordinance 2007-15 - Setback Regulations For Construction Site Containers And Regulation Of Portable Storage Units:** AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA AMENDING CHAPTER 6, BUILDING AND BUILDINGS REGULATIONS, OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6.8 TO PROVIDE SETBACK REGULATIONS FOR CONSTRUCTION SITE CONTAINERS AND TO ADD A NEW SECTION 6-8.1 TO PROVIDE REGULATION OF PORTABLE STORAGE UNITS; PROVIDING FOR ENFORCEMENTS AND

PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-15 by title.

Mayor Parker pointed out the Ordinance on first reading was amended to allow two permits per year.

Mayor Parker opened the public hearing. With no one wishing to speak Mayor Parker closed the public hearing.

Commissioner McIntee made a motion to adopt Ordinance 2007-15. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0

- f. Ordinance 2007-03 – Changing the Date of Municipal Elections from March to November:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA CHANGING THE DATE OF MUNICIPAL ELECTIONS FROM THE SECOND TUESDAY IN MARCH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EVEN NUMBER YEARS COMMENCING IN 2012; PROVIDING FOR EXTENSION OF THE TERMS OF OFFICE FOR ELECTED OFFICIALS AT TIME OF TRANSITION FROM MARCH TO NOVEMBER ELECTIONS; PROVIDING FOR AMENDED QUALIFYING PERIODS; AMENDING CONFLICTING PROVISION IN SECTION 6.1 OF THE TOWN CHARTER; SUBMITTING THE AMENDMENT TO APPROVAL BY REFERENDUM; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Attorney James Cherof)

Attorney Cherof read Ordinance 2007-15 by title.
Mayor Parker opened the public hearing.

Barbara Cole hoped that January was the exception to the rule and the Commission would go back to March.

Cristie Furth believed a November election was a bad time campaign as there would be no one in Town. She preferred a March election.

Peanuts Wick thought January 29 was extraordinary. He preferred a small town election rather than a national election.

Tom Carr preferred March.

John MacMillan believed the election should stay in March.

Lisa Mitchell preferred the election in March.

With no one else wishing to speak Mayor Parker closed the public hearing.

Vice Mayor Yanni made a motion to adopt Ordinance 2007-03. Commissioner McIntee seconded the motion.

Mayor Parker referred to Section 9 of Ordinance 2007-03. He said it stated that this would be submitted to the election on November 11, 2008 and asked if it would be better to put it on the January 29, 2008 ballot.

Mayor Parker made a motion to amend the Section 9 of Ordinance 2007-03 to have the election held on January 29, 2008 instead of November 11, 2008. The motion failed for lack of a second.

In a roll call vote, the motion carried 5-0.

Mayor Parker recessed the meeting at 9:29 p.m. and reconvened at 9:40 p.m.

11. COMMISSIONER COMMENTS

Mayor Pro Tem Clark stated he had meetings with Broward Sheriff Al Lamberti over the last couple of weeks and spoke of ways to bring the Volunteer Fire Department back to the Town of Lauderdale-By-the-Sea.

Mayor Pro Tem Clark suggested the Commission ask Sheriff Lamberti to negotiate a new contract with the Volunteer Fire Department. Mayor Pro Tem Clark presented conditions to the Commission that would prevent a repeat of what happened last year. He requested the Commission place this on the agenda for immediate vote.

Mayor Pro Tem Clark read his conditions as: 1) No sitting Commissioner or Mayor may serve as a member of or be affiliated with the volunteer fire department; 2) the head of the Volunteer Fire Department must be confirmed by the majority of the Commissioners and authorize the Town Manager to do the search and make a recommendation of the two or three best qualified; 3) No member of either the Volunteer Fire Department or the Broward Sheriff's Office assigned to the Town of Lauderdale By-The-Sea may not run for office or engage in political activities; 4) the Volunteer Fire Department must drop their lawsuit.

Mayor Parker amended the agenda to place this item to immediately follow the Commissioner Comments.

Commissioner Silverstone announced that the final millage and budget meeting was being held on Thursday and suggested everyone attend the meeting. He addressed the volunteer fire department and thought that for him to leave the fire department to allow him to sit on the Commission was unconscionable.

Commissioner McIntee asked to meet with the new Sheriff and received no response until he placed letter with the newspapers. Commissioner McIntee was upset that Mayor Pro Tem Clark, or Sheriff Lamberti, did not talk to anyone else on the Commission. He

was upset that Mayor Pro Tem Clark did not suggest that the Broward Sheriff Office be placed on notice and go out for RFP's.

Vice Mayor Yanni stated that he also called the sheriff two weeks ago and had not received a call back. He said that several months ago Commissioner McIntee and Commissioner Silverstone indicated that they would step down if the Volunteer Fire Department was brought back. Commissioner McIntee said that he would step down as a firefighter, but he would not resign.

Vice Mayor Yanni was surprised that Barbara Cole asked him to step down. He assured her he was going to run again.

Mayor Parker was disturbed that not many cars were using the new parking lot. He believed it was for lack of signs. Vice Mayor Yanni said an entrance off Commercial Boulevard into the parking lot and it was never done. Mayor Parker did not understand how the Department of Transportation could prevent it and wanted it looked into.

Mayor Parker said this would probably be his last year to do the Halloween event and asked Commissioner Silverstone if he would. Commissioner Silverstone said he would not be available this year.

Mayor Pro Tem Clark made a motion to amend the agenda to have his item placed on this agenda for discussion.

Commissioner McIntee made a motion to table to the November 13, 2007 meeting to allow time to do research. Vice Mayor Yanni seconded the motion. There were no objections.

12. ORDINANCES *(1st Reading)*

a. Ordinance No. 2007-12 - Rentals: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADDING A NEW ARTICLE IV TO CHAPTER 6 OF THE TOWN CODE OF ORDINANCES ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR THE RENTAL OF RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof) Tabled from September 14, 2007

Attorney Cherof read Ordinance 2007-12 on first reading.

Mayor Pro Tem Clark made a motion to adopt Ordinance 2007-12 on first reading. Vice Mayor Yanni seconded the motion.

Mayor Parker had a problem with the short term rentals. He said Mayor Pro Tem Clark originally proposed Ordinance 2007-12 to prohibit the renting of houses for less than 30

days and Section 6-54 said seven months. Mayor Parker asked Mayor Pro Tem Clark if he would accept six months.

Attorney Cherof advised that the six month provision allowed for two rentals in a residential zoning district per year. He added that going to seven months would prohibit that.

Mayor Pro Tem Clark said seven months was acceptable.

Mayor Parker made a motion to amend Section 6-54 to make it for a term less than six months. Commissioner McIntee seconded the motion with discussion.

Commissioner McIntee asked Mayor Pro Tem Clark if he believed anyone on the Dais had a conflict in the Ordinance. Mayor Pro Tem Clark said he was not aware of any. Commissioner McIntee asked if he was co-owner of Shomo and Clark Investments, Inc. Mayor Pro Tem Clark said he was and indicated that he purchased the property to flip it and not rent it. Discussion followed as to whether there was a conflict or not.

Vice Mayor Yanni thought the reason for this ordinance was to prevent thirty day rentals in order to keep peace in the neighborhood.

Mayor Pro Tem Clark said the purpose of the exercise of Ordinance 2007-12 was to keep the residential neighborhoods residential and prevent the availability of renting homes for a week or for ten days that would turn it into a party place.

In a roll call vote, the motion to amend for 6 months carried 3-2 with Commissioner Silverstone and Commissioner McIntee dissenting.

Mayor Parker pointed out that on the same page there was a no amount listed for a daily rental violation fee and on the advice of the Attorney the Commission needed to fill that in with an amount.

Mayor Parker made a motion to make the fine \$100 a day. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

In a roll call vote, the motion to adopt Ordinance 2007-12 as twice amended, carried 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

12. CONSENT AGENDA

Commissioner Silverstone requested items 6a, 6b, 6e, 6f be removed from the consent agenda for discussion.

Commissioner Silverstone made a motion to approve items 6c, 6d, 6g, and 6h. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- a. Change Order – North Seagrape Drive (Town Planner Walter Keller)**

Keller said the change order would allow Tenex to build a five foot concrete sidewalk on Washingtonia Avenue, non-inclusive of other improvements.

Planner Keller said he had reduced the sidewalk one foot and reduced the landscape two feet which allowed a two foot setback on the sidewalk from the property line.

Mayor Parker made a motion to approve the Change Order. Commissioner McIntee seconded the motion.

Discussion followed regarding the other side of Washingtonia with Planner Keller indicating that he would bring back the design proposals as he did not have all the facts at this time.

Vice Mayor Yanni wanted to clarify that there was a five foot sidewalk with a five foot buffer. Planner Keller said that was correct. Vice Mayor Yanni wanted to know if it could be brought down to four foot. Planner Keller said that would require a lot of plan changes and additional permitting. He said he would run into problems with landscaping, lighting and other issues.

Mayor Parker asked Planner Keller if he was to come before the Commission for a Change Order on Seagrape Drive. Planner Keller said he was not and clarified that before the Commission at this time was a Change Order to add sidewalks on Washingtonia Avenue. Mayor Parker asked if Washingtonia was to be the same color as Seagrape. Planner Keller said whatever the Commission wanted he would do.

Mayor Parker made a motion to approve the Change Order. Mayor Pro Tem Clark seconded the motion.

Attorney Cherof asked if there were any temporary construction easements required to perform this project that the Town would need to obtain. Planner Keller said he would not know until the survey and the drawings were done. He said he would report back. In a roll call vote, the motion carried 5-0

- b. Commission approval of Increase to Irrigation/Landscape costs for Bougainvillea Drive Parking Lot for Landscape Service Professionals, Inc. (John Olinzock – Assistant to Town Manager)**

Commissioner Silverstone asked the Manager Colon asked if this was something the Commission could do to get the contract out. Manager Colon said this was the completion of the parking lot and was brought back before the Commission because Resolution 2007-17 directed staff to bring anything over 10% to the Commission for approval. Commissioner Silverstone asked the amount of the increase. Manager Colon said it was \$3,461.

Commissioner Silverstone made a motion to approve the increase. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0

- c. Application for Jarvis Hall – Halloween (John Olinzock – Assistant to Town Manager)
- d. Application for Jarvis Hall – Easter Egg Hunt (John Olinzock – Assistant to Town Manager)
- e. Issuance of Hardship Permit (John Olinzock – Assistant to Town Manager)

Manager Colon advised a letter addressed to the Commission was received and placed on the agenda for approval.

Commissioner Silverstone made a motion to approve. Commissioner McIntee seconded the motion.

Mayor Parker said the letter indicated that the woman owned a condo with one parking space and asked for a hardship parking permit as her husband also had a car. He said there are many people with one parking space who would like to have a second car. Mayor Parker suggested the woman purchase a parking space from one of the other condo unit owners.

Commissioner McIntee believe that building was located alongside the permit parking across the street from Town Hall. He suggested that perhaps the Town would allow her temporary parking in one of the unused spaces until she could make other arrangements.

Attorney Cherof did not encourage that type of transaction without a basis in the code.

Commissioner Silverstone withdrew his motion. Commissioner McIntee withdrew his second.

Item 12e died for lack of a motion.

- f. Award of Contract for Construction of Jarvis Hall Patio Enclosure to MBR Construction, Fort Lauderdale, FL., in the amount of \$251,788.00 plus Change Order for Fire Sprinklers estimated to cost \$40,000.00 (John Olinzock – Assistant to Town Manager)

Town Manager Colon said it went out for bid, and when it went through the permitting process the Fire Marshal stopped the process for changes in the code and now sprinklers are required in both places and that is where the \$40,000 comes in.

Commissioner Silverstone made a motion to award the contract. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- g. Commission Approval of 1st Amendment to Agreement with Global Coral Reef Alliance, a New York 501(C) (3) Corporation in the amount of \$16,200.00 for a revised amount of \$76,480.00 (Mayor Parker)

- h. Application for Jarvis Hall-Fireman's Ball November 10, 2007 (John Olinzock - Assistant to Town Manager)

14. RESOLUTION

15. OLD BUSINESS

- a. Master Plan Steering Committee Beach Pavilion Architect Recommendation (Walter Keller – Town Planner)

Manager Colon said the Master Plan Steering Committee recommendation was for the Russell Partnership.

Commissioner McIntee amended the motion to proceed with the Russell Partnership. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 4-1 with Commissioner Silverstone dissenting.

Mayor Parker continued the meeting with the remaining items of New Business Items 5a through 5g. New Business Items 16a and 16b were discussed earlier in the meeting and were renumbered to become 16h and 16i to coincide with Mayor Parker's order to follow suit.

16. NEW BUSINESS

- a. Discussion and/or action pertaining to Ordinance 2007-04 (Waiving Weekday Parking Meter Fees) (Commissioner Clark) (Tabled from the September 14, 2007 Meeting)

Mayor Pro Tem Clark felt people were taking advantage and felt Ordinance 2007-04 needed to be revisited.

Mayor Pro Tem Clark made a motion to appeal Ordinance 2007-04. Mayor Parker seconded the motion with direction to the Town Attorney to redraft Ordinance 2007-04.

Commissioner McIntee announced that redrafting the Ordinance would remove the blue bags from the meters and return to full parking meters. He believed that would terminate marginal businesses.

Commissioner Silverstone suggested amending the Ordinance to allow the business owners the decision as to whether they wanted to leave the bags on the meters. He believed for the most part it helped out the businesses and worked 90% of the time.

Discussion followed regarding amending the Ordinance to allow free parking with a two hour maximum. Vice Mayor Yanni believed the Town could tow if a sign was displayed that warned violators would towed.

Commissioner McIntee made a motion to amend to allow two hour parking limit while the meters are bagged with the option to tag with a \$25 fine. Mayor Parker seconded.

Mayor Parker made an additional amendment to change the hours from Saturday morning to Friday evening at 6:00 pm. to Monday at 6:00 a.m. Commissioner McIntee accepted.

In a roll call vote, the motion to amend carried 5-0.

In a roll call vote, the motion as amended carried 5-0.

- b.** Discussion and/or action to change zoning on the south of Commercial Boulevard from RM-25 to B-1 on the West Side of A1A. (Vice Mayor Yanni) (Tabled from the September 14, 2007 Meeting)

Vice Mayor Yanni withdrew this item.

- c.** Discussion and/or action pertaining to July 24, 2007 Consent Item 11-E: Construction of Permanent Monument Signage (Commissioner Silverstone) (Tabled from the September 14, 2007 Meeting)

Commissioner Silverstone wanted to change his vote to remove any signage on the new parking lot that depicts his name or any Commissioner's name as he believed it was a waste of money. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-1 with Vice Mayor Yanni dissenting.

- d.** Discussion and/or action for reconsideration of Variance pertaining to 4243 Bougainvillea Drive (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)

Commissioner McIntee felt he made a mistake when he denied the Variance to 4243 Bougainvillea Drive and asked Attorney Cherof if the owner could be allowed to keep his structure with a fine equivalent to the permit price with an additional 10% cost. Attorney Cherof said he could not but if Commissioner McIntee was under the prevailing side he could make a motion to reconsider.

Commissioner McIntee made a motion to reconsider. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 3-2 with Mayor Pro Tem Clark and Mayor Parker dissenting.

Attorney Cherof asked the Clerk to incorporate into the agenda package his memorandum on Variances establishing the standards for granting one. He added that the same 30 day notice would have to be given as is for any quasi judicial item. Mayor Parker scheduled for placement on November 13, 2007.

- e.** Discussion and/or action pertaining to reduction of one sergeant position with BSO – Police Contract (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)

There was lengthy discussion regarding when and why this item was discussed, prior commitments, and the lack of communication from the Broward Sheriff's Office.

Town Commission Regular Meeting Minutes
September 25, 2007

Commissioner Silverstone made a motion to eliminate one sergeant and one deputy.
Commissioner McIntee seconded the motion.

Mayor Parker amended motion to remove one sergeant and two deputies. Vice Mayor Yanni said the Mayor's motion jeopardized the safety of the residents.

Commissioner McIntee said he intended on sending a letter to the Governor regarding the Sheriffs handling of the Town's requests.

Lengthy discussion followed regarding the original contract when the Broward Sheriff's Office had three deputies. Mayor Parker talked about inflation and the level of staffing that Broward Sheriff Office chooses.

In a roll call vote, the motion to amend carried 3-2 with Vice Mayor Yanni and Mayor Pro Tem Clark dissenting.

In a roll call vote, the amended motion carried 3-2 with Vice Mayor Yanni and Mayor Pro Tem Clark dissenting.

- f. Discussion and/or action pertaining to Violation of Town's Code of Ordinance – Order Imposing Fine / Certificate of Lien / Abatement Order (Town Manager Esther Colon) (Tabled from the September 14, 2007 Meeting)

Attorney Cherof explained that this was a request to try to collect the funds that were on the books.

Commissioner McIntee said there were three properties that were scam operations where people walked away from. He added that if the Town did not maintain the properties the neighborhoods where the properties were located would be devalued.

Mayor Parker asked if the Town liens took precedence over mortgages and Attorney Cherof said they do not.

Commissioner McIntee made a motion to authorize the Town Attorney to enforce. Mayor Parker seconded the motion

In a roll call vote, the motion carried 5-0.

- g. Request to change Regular Commission Meeting date of December 25, 2007 (Town Clerk June White) (Tabled from the September 14, 2007 Meeting)

Mayor Parker made a motion to cancel the meeting. Vice Mayor Yanni seconded the motion. Discussion followed as to whether a meeting should be rescheduled for another date in December. It was decided to cancel the meeting. In a roll call vote, the motion carried 5-0.

- h. Discussion regarding referendum to allow North Beach condos to pay for their own Fire Department and return LBTS VFD to the old town for fire protection (Commissioner McIntee)

This item was discussed earlier in the meeting as item 16a.

i. Review the Jarvis Hall Use Ordinance

This item was tabled to October 9, 2007

Commissioner McIntee requested from the Town Attorney, in memorandum form, opinions on advertising on public television.

Commissioner McIntee said somewhere the Commission was to discuss putting Broward Sheriff Office on notice. Mayor Parker thought it was supposed to be on this agenda. He allowed Commissioner McIntee to add it to this agenda.

Commissioner McIntee amended the agenda to discuss and or act upon giving the Broward Sheriff's Office one year's notice.

Commissioner McIntee withdrew his motion to place it on the next agenda. Commissioner Silverstone agreed with Commissioner McIntee. Mayor Parker added it to the September 27, 2007 agenda.

17. TOWN MANAGER REPORT

There were no reports

18. TOWN ATTORNEY REPORT

There were no reports

19. PUBLIC COMMENTS (remaining members of the public to speak at this time)

20. FUTURE AGENDA ITEMS

21. ADJOURNMENT

Vice Mayor Yanni made a motion to adjourn the meeting. With no further business before the Commission Mayor Parker adjourned the meeting at 11:25 p.m.

Mayor Oliver Parker

ATTEST:

Town Clerk, June White

Date

